

OCT 28 2004



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October 28, 2004

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## FAX

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Centralized Fax Dept. GAU 2177 Examiner John E. Breene	703.872.9306	U.S. Patent and Trademark Office Alexandria, VA 22313-1450

Brenda O. Holmes

FROM

7

PAGES (WITH COVER)

6559

REFERENCE NO

W2100/280782

CLIENT/MATTER NO.

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## COMMENTS

Applicant:

Tonia LEE, et al.

Title:

System and Method for Maintaining an Association  
Between a Distribution Device and a Shared End User  
Characteristic

Serial No./Docket No.:

10/677,925

W2100/280782

## PAPERS SUBMITTED:

1. PTOSB/21 - Transmittal form;
2. PTO/SB/17 - Fee Transmittal for FY2005;
3. Petition to Make Special for Invention Which Materially Contributes to the Conservation of Energy and to Countering Terrorism; and
4. Statement in Support of Petition to Make Special.

Date: October 28, 2004

By: Brenda O. Holmes, Reg. No. 40,339

TO BE COMPLETED BY KS OPERATIONS CENTER

TRANSMISSION RECEIPT DATE/TIME: \_\_\_\_\_

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JOB CODE 20054

PTO/SB/21 (09-04)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/677,925
	Filing Date	10/01/2003
	First Named Inventor	Tonia LEE et al.
	Art Unit	2177
	Examiner Name	John E. Breene
Total Number of Pages in This Submission	Attorney Docket Number	W2100/280782

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Statement in Support of Petition to Make Special.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	KILPATRICK STOCKTON LLP		
Signature	<i>Brenda O. Holmes</i>		
Printed name	Brenda O. Holmes		
Date	10.28.2004	Reg. No.	40,339

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO's Centralized Facsimile Number (703) 872.9306 on the date shown below.			
Signature	<i>Janie Wilkins</i>		
Typed or printed name	Janie Wilkins	Date	10/28/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04)

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**FEE TRANSMITTAL**  
**for FY 2005**

Effective 10/01/2004, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 0)

**Complete if Known**

Application Number	10/677,925
Filing Date	10/01/2003
First Named Inventor	Tonia LEE et al.
Examiner Name	John E. Breene
Art Unit	2177
Attorney Docket No.	W2100/280782

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
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Account  
Name

11-0855

KILPATRICK STOCKTON LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1)</b>				<b>(\$)</b>	

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent		X	0
Multiple Dependent		X	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2)</b>				<b>(\$)</b>	0

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)**

(\$ 0)

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Brenda O. Holmes	Registration No. (Attorney/Agent)	40,339	Telephone	404.815.6500
Signature	<i>Brenda O. Holmes</i>	Date	10-28-2004		

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTS

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OCT 28 2004

In re Application of:

Tonia LEE, *et al.*

Serial No.: 10/677,925

Filed: October 1, 2003

For: **SYSTEM AND METHOD FOR  
MAINTAINING AN ASSOCIATION  
BETWEEN A DISTRIBUTION DEVICE  
AND A SHARED END USER  
CHARACTERISTIC**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 2231301459

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Centralized Facsimile Number (703)  
872.9306 on October 28, 2004

*Janie Wilkins*  
Janie Wilkins

**PETITION TO MAKE SPECIAL FOR INVENTION WHICH MATERIALLY  
CONTRIBUTES TO THE CONSERVATION OF ENERGY AND TO COUNTERING  
TERRORISM**

(37 C.F.R. § 1.102 AND M.P.E.P. § 708.02(VII) AND M.P.E.P. § 708.02(XI))

Sir:

The undersigned hereby petitions to make this application special because the invention disclosed therein materially contributes to the conservation of energy and to counter terrorism.

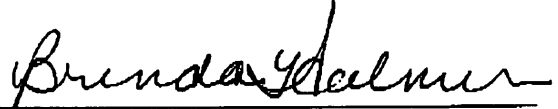
Enclosed with this Petition is a Statement in Support of Petition to Make Special by one of the inventors.

If the Petition is granted on the grounds that it materially contributes to the conservation of energy, then no fee is due. If the Petition is granted on the grounds that it is an invention for countering terrorism, then a \$130 fee is due. Accordingly, if the Petition is granted

*Attorney Docket No. W2100/287621*  
*Petition to Make Special*  
*Appln No. 10/750,307*  
*Page 2*

on the grounds that it is an invention for countering terrorism, please charge the fee required for this Petition to Deposit Account No. 11-0855.

Respectfully submitted,



Brenda Holmes  
Reg. No. 40,339

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309-4530  
(404) 685-6799  
Attorney Docket: (W2100/280782)

PATENTS

In re Application of:

Tonia LEE, *et al.*

Serial No.: 10/677,925

Filed: October 1, 2003

For: **SYSTEM AND METHOD FOR  
MAINTAINING AN ASSOCIATION  
BETWEEN A DISTRIBUTION DEVICE  
AND A SHARED END USER  
CHARACTERISTIC**

MAIL STOP PETITION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 2231301459

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OCT 28 2004

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**STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL**

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Sir:

I, Tonia Lee, am an inventor of the above-identified application, and I hereby state the following:

1. The invention disclosed in the above-identified application materially contributes to the conservation of energy and is effective in countering terrorism.

2. The present invention maintains an association between a distribution device and one or more characteristics shared by the end users served by the distribution device. In this way, the present invention enables the delivery of relevant, targeted programming to the end users.

3. If expected weather conditions will place an unusually high demand on energy resources, then residents in the areas likely to be affected can be notified to conform

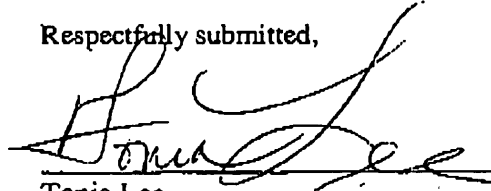
ATLJ JIM1 13407011

*Statement of Facts in Support of  
Petition to Make Special  
Appln No. 10/750,307  
Page 2*

their energy usage to recommended guidelines to prevent black outs or brown outs. In this way, the present invention assists in the efficient utilization and conservation of energy resources. M.P.E.P. § 708.02(VII).

4. In addition, the invention supports the delivery of information based on the location of the end users. If terrorist activities are directed towards a particular area, then residents located in that area can be alerted with customized warnings. The warnings can include evacuation plans or other safety recommendations to eliminate or reduce the impact of the terrorist threat. In this way, the present invention assists in the effort to counter terrorism. M.P.E.P. § 708.02(XI).

Respectfully submitted,



Tonia Lee

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Atty. Docket No: W2100/280782

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